

United States District Court
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ALEXSAM, INC.

v.

BARNES & NOBLE, INC. AND BARNES & NOBLE MARKETING SERVICES CORPORATION	Cause No. 2:13-cv-3
THE GAP INC. AND DIRECT CONSUMER SERVICES, LLC	Cause No. 2:13-cv-4
J.C. PENNEY COMPANY, INC. AND J.C. PENNEY CORPORATION	Cause No. 2:13-cv-5
MCDONALD'S CORPORATION AND P2W, INC. NFP	Cause No. 2:13-cv-6
TOYS "R" US—DELAWARE, INC. AND TRU-SVC, LLC	Cause No. 2:13-cv-7
THE HOME DEPOT, U.S.A., INC. AND HOME DEPOT INCENTIVES, INC.	Cause No. 2:13-cv-8

ORDER REGARDING TRIAL SETTINGS

Defendants Barnes & Noble, Inc. and Barnes & Noble Marketing Services Corporation (collectively Barnes & Noble), and The Gap, Inc., and Direct Consumer Services, LLC (collectively Gap) object to the Court's scheduling order (Doc. No. 125) informing these parties to be prepared to proceed to trial on May 20, 2013, in the event Plaintiff's case against Best Buy Stores, L.P. is resolved. To accommodate the parties' conflicts, the Court enters the following schedule applicable to all non-Best Buy parties:

- **June 3, 2013, at 9:00 a.m.**: Jury selection with trial immediately following; and
- **June 24, 2013, at 9:00 a.m.**: Jury selection with trial immediately following.

All non-Best Buy parties should be prepared for trial on June 3, 2013. Any remaining parties should be prepared for trial on June 24, 2013. To the extent additional trial settings are necessary, the Court will notify the parties as appropriate.

Furthermore, Barnes & Noble's and Gap's pretrial conferences set for May 16, 2013, are cancelled and will be rescheduled.

It is SO ORDERED.

SIGNED this 9th day of May, 2013.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE